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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-first session

SUMMARY RECORD OF THE 1220th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 6 August 1997, at 3 p.m.

Chairman: Mr. BANTON

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Thirteenth periodic report of Denmark (CERD/C/319/Add.1)

1. At the invitation of the Chairman, Mr. Klingenberg, Ms. Christensen, Ms. Andersen, Ms. Holt, Ms. Klingsey, Ms. Troldborg, Ms. Hübertz Mortensen, Mr. Hortenberg and Mr. Frederiksen (Denmark) took places at the Committee table.

2. Mr. KLINGENBERG (Denmark) said that his country's periodic reports were widely distributed and available on the Internet as soon as they were submitted to the Committee. The Committee's conclusions were forwarded to all relevant authorities, to members of Parliament and to relevant NGOs. They were freely available to everyone and the subject of a full press release.

3. One of the most difficult problems was maintaining the delicate balance between freedom of expression and freedom from racial discrimination. Minority jokes and discriminatory remarks undoubtedly hurt. Penal prosecution, however, was not always the most efficient way of curbing such distasteful practices. The same applied to combatting neo-Nazi and similar tendencies. There was a risk that such tendencies might be given too much credit and too much publicity by a trial in court. Should books like "Mein Kampf" be banned, or might such a measure only increase their appeal in some quarters? Was it not better to fight those obnoxious tendencies through information and education? After all, no one doubted the strong and unequivocal position in that respect of the Government, politicians and the public at large in Denmark.

4. Racial discrimination and racial segregation were prohibited under Danish law and all possible steps were taken to combat their manifestations. No specific entry appeared under article 3 because all the other steps described in the report served directly or indirectly to implement the provisions of that article.

5. There were two aspects of Danish policy which has given rise to concern. The first was related to housing, particularly the possibility of conducting experiments in the field of renting and allotment of social accommodation. The Ministry of Housing and Building had explained that those experiments respected international agreements on racial discrimination and human rights, as well as national rules prohibiting racial discrimination. The second aspect was related to education, in particular the transfer of bilingual children to special classes. The purpose in that case, however, was to offer the children adequate instruction. The differential treatment was based on objective criteria and was maintained in each case only until the objective had been achieved and never for more than two years.

6. Unemployment, at 8.5 per cent in 1996, affected a disproportionately high number of immigrants. The rate had fallen by 20 per cent of the labour force from 1995 to 1996, but only by 12 per cent for foreign nationals. At the same time, however, the number of foreign nationals in the labour force

had actually increased. Despite the positive trends, those figures were of great concern to the Danish Government, which had taken special initiatives at all levels of the labour market. For example, according to the so-called "ice-breaker arrangement", Danish businesses in the field of trade, services and production with up to 250 employees could be subsidized by the State if they recruited a highly educated immigrant or refugee. The latest statistics on the arrangement indicated that two out of every three immigrants or refugees recruited in that way continued their employment on a permanent or temporary basis after the period of subsidies. In addition, on 30 June 1997, the Ministry of Finance had published a circular on the general prohibition of any discrimination affecting recruitment or working conditions in the public sector on the basis of race, colour, religion, political opinion, sexual orientation, as well as national, social or ethnic origin.

7. A new Act on the Board for Ethnic Equality had been adopted in June 1997. Like the previous Board, the task of the new Board was to prevent discrimination between persons of Danish origin and persons of other ethnic origins. It did not deal with individual cases but could, upon request or on its own initiative, make statements on general matters concerning ethnic discrimination. The Minister for the Interior appointed some members of the Board amongst persons belonging to ethnic minorities and to humanitarian organizations, while other members were appointed by local authorities, trade unions and employers' organizations.

8. In another development, the Committee on the Integration of Refugees and Immigrants, which had been set up by the Ministry of the Interior on 16 May 1997, had submitted a report on integration with a draft bill. It was the first attempt in Denmark to formulate the principles of overall, coordinated integration measures for refugees and immigrants.

9. Denmark participated actively in the European Year against Racism, and a National Committee of eight members had been set up for that purpose. The general funds of the Ministry of the Interior for refugee and immigrant projects, which came to 12 million Danish crowns, gave priority to campaign activities, which were aimed at involving new individuals and circles in the work against racial discrimination. In Denmark, the campaign would focus more on local action than on national events.

10. The Danish delegation appreciated the interest taken by the Committee in the highly complex issue of the transfer of Inuit people in Thule (Greenland) in 1953. A lawsuit had been brought against the Prime Minister's Office to obtain damages. The populations in Greenland and the Faeroes did not consider themselves as national minorities, but as independent peoples in the Danish State. The German-speaking population in the south of Jutland, however, was a national minority, which enjoyed specific relations with the rest of society.

11. Mr. WOLFRUM (Rapporteur for Denmark) said that that country's report complied with the Committee's guidelines. In conformity with article 2 of the Convention, the Government of Denmark had reported the establishment of a committee on the integration of Bosnian war refugees, refugees and immigrants, whose recommendations were to have been submitted at the beginning of 1997. Had the recommendations indeed been submitted, and if so, what was there content? Did the Government of Denmark consider returning Bosnians to their

homes, and if not, had it taken into consideration the fact that non-repatriation might consolidate the efforts of ethnic cleansing in Bosnia-Herzegovina?

12. Paragraph 7 stated that the same Integration Committee was formulating a common minimum standard for the integration effort offered to refugees and immigrants. What was regarded as the common minimum standard, and to what extent were international rules taken into consideration? What was an immigrant expected to do in order to become integrated in Danish society? Was there an obligation to learn the Danish language or to become accustomed to the Danish way of life or to send children to Danish schools?

13. Significant appropriations were devoted to the integration of refugees and immigrants in Denmark and the Danish Government's efforts to improve the situation of foreigners were extremely laudable. The impact of programmes such as the "ice-breaker arrangement" was limited, however, by the conditions in which they were implemented, and the report showed that while only 9 per cent of Danish nationals were unemployed, the rate among foreigners was 28 per cent. For Turkish nationals, the rate was even 48 per cent and he wondered to what extent they had benefited from the so-called "ice-breaker arrangement". In the Danish Parliament, the Ministry of Labour had stated that the new Act on Prohibition against Differential Treatment on the Labour Market did not called for special measures in favour of minority groups. Another example was the case of an NGO wishing to fill an administrative staff position, which had published a job advertisement stating that ethnic minorities were invited to apply and that, with equal qualifications, they would be given preference, one of the reasons being that the organization needed multi-ethnic qualifications. The Minister of Labour had considered that the advertisement was a violation of the Act on Prohibition against Differential Treatment on the Labour Market. He wondered whether the attitude taken by the Minister was in full conformity with article 2, paragraph 2 of the Convention.

14. Under that article, the Danish Government was called upon to review national and local policies and to amend, rescind or nullify any laws which had the effect of creating or perpetuating racial discrimination. The report did not show whether those provisions had produced the desired effects. For example, the Danish Centre of Human Rights reported discrimination in the context of the Act concerning Personal Names. In Denmark, parents had to choose first names for their children from a specific list of legal names. In one case, a Somali family had been denied the right to give their daughter a name which did not appear on the list. In that respect, Danish legislation did not appear to reflect the cultural diversity which currently existed in Denmark.

15. The report provided no replies to the questions raised by Mr. van Boven and Mr. Banton during consideration of the previous report, with regard to the Committee's general recommendation concerning article 3 of the Convention. The information given in the report concerning the implementation of article 3 was in fact rather limited. Yet the Documentary and Advisory Centre on Racial Discrimination and the Danish Centre of Human Rights had reported that a number of emergency centres for the protection of women who had been abused had introduced quotas for the numbers of foreign women admitted at the

centres. If that information was correct, that would amount to a violation of article 3. When asked to put an end to the practice, the Minister of Social Affairs had declined to intervene, alleging that the centres did not have enough employees who spoke foreign languages. That explanation was unacceptable.

16. With regard to the implementation of article 4 of the Convention, according to paragraph 25 of the report, it had been declared in the Danish parliament, during readings of the bill amending section 266 (b) of the Penal Code (para. 24), that in especially aggravated cases of racist propaganda, prosecutors should not exhibit the same restraint with regard to prosecution as previously. Was that restraint to be explained by the judgement of the European Court of Human Rights in the Jersild v. Denmark case? Why was the newspaper Ekstra Bladet not prosecuted under those provisions, after publishing an article ridiculing minorities and asylum seekers? The hate campaign started by the newspaper against ethnic minorities in Denmark appeared to indicate a general degree of hostility towards foreigners in Denmark. An explanation would be welcome. With respect to article 4, paragraph (a), how could the fact be justified that the Oasen radio station, which was run by a neo-Nazi association, was still authorized to broadcast locally, after passages of Mein Kampf had been read on the programme? On 2 July 1995, an attack was carried out by "skinheads" in a train near Copenhagen, but the courts which had judged the case had made no reference to the racist character of the attack, even though under the Danish Penal Code that could have been considered as an aggravating factor.

17. He welcomed the adoption of a new marketing act, while regretting the fact that the report under consideration had not mentioned two cases of violations of that act reported by the consumer ombudsman, namely the denial of sale of mobile phones to foreigners on account of their nationality and the denial of car rental to foreigners who did not possess a credit card. What could be said about the Danish Centre of Human Rights' report that foreigners residing in Denmark had experienced difficulties obtaining housing loans?

18. With regard to the application of article 5 and more particularly the Act on Prohibition against Differential Treatment owing to Race, it was stated in paragraph 80 that the period under review had not seen any cases leading to conviction on the basis of that act. The cases referred to nevertheless indicated that a problem did exist in that respect in Denmark and it would be appropriate for the Danish Government to deal with the matter in its forthcoming report.

19. With regard to the application of article 7 and educational measures, he was surprised that the organization of vocational training courses meeting the special needs and wishes of refugees and immigrants was still at the stage of a pilot project and that once again the focus appeared to be on learning Danish. In other respects, the Danish authorities were to be congratulated on their efforts to integrate members of minority ethnic groups in the police forces and to improve relations between the police and the public in areas inhabited by large ethnic groups.

20. With regard to Greenland, he recalled that the Committee, at its forty-eighth session, had expressed concern over the delay in compensating

members of the indigenous population in Greenland who had been relocated to permit the establishment of an Air Force base in the early 1950s. The Danish delegation had just declared that the matter was being investigated. In fact it had been under investigation for decades. It was clear both from the report under consideration (paras. 130, 132 and 134) and from other documents, such as the memorandum of 18 March 1997 from the Prime Minister's Office, or the parliamentary debate on 26 November 1996 on the same subject, that the Danish authorities were reluctant to tackle the problem head-on and were minimizing the extent of the damage suffered by the population concerned, as well as the size of that population and even its rights over the territory involved. Regardless of the legal point of view, the authorities had shown little sensitivity concerning the real needs of the people concerned. It should be remembered that the Convention covered all persons under Danish jurisdiction. It would also be interesting to know how the Danish legal system had been adapted to traditional Inuit legal practice and customary law (para. 140).

21. Lastly, it was to be hoped that in its following report, Denmark would comment on the situation regarding the inhabitants of the Faeroes. The brochure forwarded by the Danish delegation to the Committee concerning the German minority living in Denmark gave the impression that the situation regarding that minority was satisfactory.

22. The CHAIRMAN, speaking as a member of the Committee and former Rapporteur for Denmark, endorsed most of Mr. Wolfrum's comments, especially those concerning the memorandum from the Prime Minister's Office. He did not, however, think that the judgement of the European Court of Human Rights in the Jersild v. Denmark case explained the restraint shown by Danish prosecutors with regard to prosecuting extremist and racist propaganda. Moreover, he was not sure that a book like Mein Kampf should be banned, since that would prevent any serious study of that kind of writing. During consideration of Denmark's previous report, the Committee had requested further information regarding the conditions under which housing was rented to immigrants and regarding measures taken to avoid the concentration of immigrants in the same neighbourhoods. What was the current situation in that respect?

23. Mr. DIACONU, recalling that Denmark had ratified the Council of Europe's Framework Convention for the Protection of National Minorities, noted that Denmark had recognized only the German community as a national minority. What distinction did Denmark draw between a national minority and an ethnic minority?

24. With regard to article 4 of the Convention, the Danish authorities appeared to give a limited interpretation to the notion of racist propaganda (para. 26 of the report). It was worth noting that organizations indulging in such propaganda were not banned in Denmark.

25. He welcomed the adoption in 1996 of the Act on Prohibition against Differential Treatment on the Labour Market. In that respect the cover formerly limited to the public sector had been extended to the private sector. Why did the Act, however, not apply to Greenland and the Faeroes? Demonstrations had recently been held in Denmark by second-generation immigrants. The mayor of Copenhagen had considered on that occasion

that measures needed to be taken in favour of immigrants in the areas of employment and education. What had the Danish authorities done in that respect?

26. With regard to education, he welcomed the fact that Danish language instruction was being offered to bilingual children who had not yet started school and that teacher-training institutes were adding courses specially aimed at educationalists and teachers belonging to ethnic minorities. What was the situation regarding measures for regrouping children from minorities in special schools which were far from their homes? Was that not a case of segregation?

27. He would also like to know what measures Denmark considered taking to compensate indigenous people who had been displaced in the region of Thule and to ensure that those people recovered their right to their ancestral lands.

28. He was intrigued by the reasoning according to which the system of quotas applied in towns to persons belonging to minorities was supposed to protect those persons against racial attacks. Its effect was to exclude them rather than to implement anti-racist laws. Certain discriminatory acts, such as that of 1981 on the naming of persons, should also be reviewed.

29. It appeared that the authorities' reactions to racist campaigns, particularly that conducted by the newspaper Ekstra Bladet, had been subdued, as if the judgement of the European Court of Human Rights in the Jersild v. Denmark case had given them an excuse to do nothing. Moreover, the fact that complaints against racial discrimination were not received by the police prevented the manifestations of such discrimination from being combated.

30. He would also like to have more information on the special measures taken in favour of ethnic minorities, especially as part of the "ice-breaker arrangement" referred to in paragraphs 15 to 18 of the report.

31. Mr. VALENCIA RODRÍGUEZ welcomed the move by the Minister for the Interior in 1994 to set up the Committee on the Integration of Bosnian War Refugees, Refugees and Immigrants, referred to in paragraph 3 of the report. While it was still too soon to have much information on the activities of the Committee, whose aim was to integrate the persons concerned in all areas of Danish society, he would have liked to receive further details in due course. The report indicated that, since 1996, Danish businesses with up to 250 employees could be subsidized by the State if they employed a highly educated immigrant or refugee (para. 15). Why had businesses with over 250 employees been excluded from the benefit of this so-called "ice-breaker arrangement"? With regard to employment policy in the public sector, with particular reference to paragraph 21, it was worth bearing in mind that ethnic minorities encountered greater difficulties than other sectors of the population and should therefore be provided with better job opportunities.

32. When the bill amending article 266 (b) of the Danish Penal Code, directed against racist propaganda, had been read in Parliament, it had been stated that prosecutors would in future have the possibility of instituting proceedings on their own initiative or on the basis of approaches from NGOs.

It would be worth knowing whether prosecutors had taken advantage of the opportunity. It would also be useful to have further details concerning the convictions for violations of article 266 (b) of the Penal Code, which had occurred in four cases (para. 29 et seq.) With regard to the Radio Oasen case referred to in paragraphs 36 to 39 of the report, it was worth noting that while censorship was not allowed in Denmark, a broadcasting licence might be withdrawn from a local radio station if it did not comply with the rules on radio and television broadcasts. It would be up to the competent Danish authorities to give a final ruling on the reading of Mein Kampf on Radio Oasen, since that reading would obviously have had a much greater impact than if it had taken place in private. It would be interesting to know in due course whether any legal proceedings had been initiated in that respect.

33. He would like to have details concerning the type of special measures taken by the Danish Government to integrate ethnic minorities into the labour market and to combat ethnic discrimination (para. 50), and the results achieved. In the case of advertisements worded in such a way as to exclude applicants belonging to an ethnic minority group (para. 61), had the authorities in fact come across that type of advertisement in practice and, if so, what measures had been taken?

34. With regard to town planning, he wanted to know what action had been taken following the bill to amend the Public Housing Act in order to allow municipalities to offer that type of accommodation to groups other than those with special needs (para. 69). Had the bill been abandoned and, if so, why?

35. With regard to the enforcement of the Act on Prohibition against Differential Treatment owing to Race, it would be interesting to know the outcome of the cases mentioned in paragraph 80, subparagraphs (b) and (c).

36. The measures referred to in paragraphs 98 to 103 concerning police training were to be welcomed, but it would be useful to know in due course what results were achieved with the measures referred to in paragraph 100, and more particularly with the preparatory course directed at ethnic minorities who were considering applying for admission to the Police Academy, as well as advertisements for recruitment to the prison service (para. 103). He would also like further details concerning initiatives taken by the police to improve relations with minorities (para. 105).

37. With regard to the campaign for European Year against Racism, and in particular the authors' competition organized by the Ministry of the Interior (para. 110), it would be interesting to know the results of the competition. In that respect, it was undoubtedly salutary to publish a summary of the Committee's discussions on the elimination of racial discrimination (para. 117), but why not make all the observations public in order to observe the reactions of officials and the public at large to those views? While the idea of publishing a booklet in easy-to-understand language on the International Convention on the Elimination of All Forms of Racial Discrimination (para. 119) was excellent, it would be interesting to know how the initiative had been received by the public.

38. Mr. de GOUTTES praised Denmark's achievement in drafting its thirteenth report less than a year after consideration of the twelfth report by the

Committee, in March 1996, taking due account of the recommendations put forward by the Committee on that occasion and supplying information regarding the situation in Greenland. The report contained some very interesting new information, especially concerning the integration of Bosnian war refugees and immigrants (paras. 3 to 8), the financial assistance given to ethnic associations encouraging the integration of ethnic minorities (para. 9), measures taken to facilitate recruitment (para. 16), the Act on Prohibition against Differential Treatment on the Labour Market (para. 45) and lastly the integration of persons belonging to ethnic minorities in the police force and the prison service (para. 98 et seq.)

39. A few follow-up questions were in order, however. With regard to article 266 (b) of the Penal Code, amended by the Act of 17 May 1995, it was stated in paragraph 25 that prosecutors should no longer exhibit the same "restraint" with regard to prosecuting. That was tantamount to recognizing that prosecutors had previously shown restraint. It was further indicated in paragraph 27 that the Director of Public Prosecutions had informed the prosecutors, in a notice dated 6 September 1995, on the new prosecution practice in that respect. Yet judging by the fairly disappointing outcome of the prosecutions mentioned in the report (paras. 28 to 35), it appeared doubtful whether the new guidelines had really been taken into account by the prosecutors. The figures given in paragraph 80, concerning the implementation of the Act on Prohibition against Differential Treatment owing to Race, were not very significant. Did the Danish delegation have any further details on the subject?

40. In the observations issued following consideration of the twelfth report, the Committee had already expressed doubts about the implementation and the impact of "dispersal policies" applied by local authorities as a means of avoiding undue concentrations of ethnic minority families in "socially-burdened" urban neighbourhoods, and had voiced its concern at the discriminating effects such practices might have. That was a very interesting case, since the same problem might arise in other countries, which might be tempted to adopt similar solutions. It would therefore be useful if the Danish delegation could supply the Committee with more details on that point.

41. With regard to the Radio Oasen case, the report indicated that it had not yet been decided whether to institute proceedings under article 266 (b) of the Penal Code (para. 39). It would be interesting to know the judicial sequel to the case, which lay at the heart of the conflict between freedom of expression and the fight against racism, and in that respect was reminiscent of the Jersild case. The entry into force on 1 July 1996 of the Act on Prohibition against Differential Treatment on the Labour Market (para. 45) was of the greatest importance, but it would be useful to know whether any occasion to apply the law had actually arisen.

42. With regard to the European Year against Racism campaign launched by the Council of Europe and the dissemination of documentation on that occasion, he would like to have details concerning information and advertising campaigns, cooperation with the media and the competition referred to in paragraph 108, subparagraphs 2 and 3, of the report.

43. Mr. van BOVEN welcomed the regular dialogue entertained by the Committee not only with the Danish authorities, but also with the organizations involved in consideration of Denmark's report. That having been said, in the suggestions and recommendations it had made with respect to Denmark's twelfth report (A/51/18, paras. 73 to 80), the Committee had requested comprehensive information about the implementation in practice and the impact of proposed dispersal policies by the Byudvalget (Municipalities Committee). The thirteenth report, however, gave little information on the subject.

44. Similarly, the information supplied concerning the implementation of the Convention concerning Greenland in the light of the establishment of a United States military base in Thule and the resulting relocation of seal hunting settlements was incomplete. As the matter was still sub judice, it was difficult for the Committee to give an opinion, but it would continue to follow it attentively with respect both to the International Convention on the Elimination of All Forms of Racial Discrimination and ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, which seemed equally relevant. The events which had occurred in 1950 were still affecting the inhabitants of Thule and compensation was therefore unavoidable, despite the time which had elapsed. It was in fact striking that the reports submitted were generally disappointing when they dealt with article 6 of the Convention, which precisely provided for reparation for damage suffered as a result of racial discrimination. The thirteenth report of Denmark was no exception in that respect, since it merely referred back to article 4 (para. 89), which was altogether inadequate. Similarly, with respect to Greenland, the report dealt with all the articles, once again except for article 6. A general observation should be made on that point.

45. Although Denmark had indicated that article 266 (b) of the Penal Code had been amended by an act dated 17 May 1995, there was some doubt as to whether the prosecutors, who had been informed of the possibility of instituting proceedings on their own initiative, were sufficiently vigilant to do so, or whether the Department of Public Prosecutions, or a high government personality acting through that department, should not give them some encouragement.

46. Where employment was concerned, 28 per cent of foreign nationals were unemployed, compared with 9 per cent of Danish nationals (para. 48). Were employers being encouraged to recruit more foreign nationals? The new Danish legislation did not appear to provide concrete measures in favour of underprivileged groups. And yet special measures were advocated in article 1, paragraph 4, and article 2, paragraph 2 of the Convention for certain population groups; had such measures been taken and were they compatible with the new Danish legislation? Had any arrangements been made to facilitate the access of ethnic minorities to employment?

47. With regard to the implementation of article 7 of the Convention, the report mentioned the publication of booklets and reports. Had the Danish Government considered publishing the reports it submitted to the Committee, as well as the observations and recommendations which those reports elicited? That could be an extremely useful follow-up measure.

48. Ms. ZOU said that, while Denmark made commendable efforts to fulfil its obligation to submit reports and to draft the necessary anti-racist laws and regulations, it was not always quite so prompt to apply the principles it had adopted. One example was the Oasen incident, which was all the more disturbing in that it had occurred at a time when Denmark had been presiding over a committee set up by the Council of Europe to monitor respect for anti-racist legislation. Another example was the enforcement of the Act on Prohibition against Differential Treatment owing to Race, referred to in paragraphs 80 onwards. She would like to have further details concerning the trials and acquittals mentioned in paragraph 80, subparagraph (a). It was clear that merely introducing the necessary legislation or setting up various committees was not sufficient to eliminate racism. The prime weapon remained education, which could convince people that the level of development did not establish a hierarchy between races.

49. Mr. YUTZIS recalled that article 7 called on State parties to adopt measures not only in the fields of teaching, education and culture, but also, it was worth emphasizing, in the field of information. That was an extremely important area at a time when no idea and no value had any weight unless it was disseminated by the media. Noting the connection in that respect between article 7 and article 4, he said there were unsatisfactory aspects in the way the latter article had been implemented. One such failing was the Radio Oasen case. It was a matter of surprise that the station had received the authorization to broadcast even though the public authorities had been well aware of the neo-Nazi character of the association in charge of the radio station. The case also highlighted the conflict of interpretation between a local council and the Committee Concerning Local Radio and Television. It had been pointed out that the conflict reflected a positive aspect of democracy. In fact it showed that there was no authority responsible for enforcing the law.

50. He said that although paragraph 41 had passed unnoticed by the experts, the incident reported there also highlighted the importance of the media and therefore the vigilant attitude they required. He welcomed the fact that the consumer ombudsman had managed to stop the publication of the incriminated racist advertisement, but was concerned to note that no sanction had been taken against the advertising agency or against the publication in which the advertisement had appeared. The whole incident also reflected the fact that the situation in Denmark was not entirely unfavourable to the expression of a certain racism, since no advertising agency would ever take the risk of offending the public.

51. Ms. SADIQ ALI said she would like to see the Danish Government intensify the training of foreign nationals, a large proportion of whom, 50 per cent, were unemployed. She would like to know whether Denmark encouraged the establishment of multiracial associations and movements. She noted from paragraph 47 that "many foreign citizens living in Denmark were born in Denmark", and she wondered whether a foreigner born in Denmark remained a foreigner. In the section on housing, was it to be concluded from the statement in paragraph 67, to the effect that "the question of immigrants and ethnic minorities on the housing market no longer has a specific priority", that foreigners and members of minority communities were suitably housed? It appeared from the section on social affairs that many social housing projects

were intended for refugees and immigrants; in how many of those projects did the persons concerned participate? She would also like to know how many members of ethnic minorities had joined the police services. Lastly, regarding the dispute between the hunting communities of Greenland and the Central Government, she would like the Government to explain its position regarding respect for the constitutional right to property and to protection against unlawful expropriation of traditional hunting rights, as she considered that to be an obvious case of racial discrimination.

52. Mr. LECHUGA HEVIA, returning to the case of Radio Oasen, said that it clearly illustrated the importance of article 4 of the Convention. Since article 266 (b) of the Penal Code, as amended, stipulated that the propaganda aspect of a racist statement constituted an aggravating circumstance, and since prosecutors could institute proceedings on their own initiative, it was surprising that no legal proceedings had been brought in that case.

53. Mr. SHAHI noted with satisfaction that Denmark had taken the Committee's questions and conclusions into account and had undertaken some constructive initiatives. It had, for instance, amended its legislation to apply stricter sanctions against acts of racial discrimination, especially racist propaganda; it had taken measures to ensure equal access to social housing for foreigners; it had adopted an Act on prohibition against differential treatment on the labour market; and it was trying to facilitate foreigners' access to employment and to bring down barriers between Danish nationals and foreigners.

54. That having been said, the situation was still far from satisfactory. Thus there was little evidence that the sanctions provided were effectively enforced; prosecutions were infrequent and were even sometimes refused. Paragraph 23 gave the impression that Denmark attached little importance to article 3 of the Convention. In the case of article 5, he was appalled at the discrepancy between the rate of unemployment among foreign nationals from Nordic or European Union countries and the rate for nationals of other European countries, such as Turks. Lastly, he endorsed Mr. van Boven's comments regarding the lack of information on compensation granted to victims of racial discrimination.

55. He suggested that the Danish Government should add provisions to its anti-racist legislation punishing the dissemination of messages inciting hatred and should make its laws on Danish citizenship, which still associated the principles of jus soli and jus sanguinis, more flexible, so that Turks born in Denmark were able to obtain Danish nationality.

56. Mr. CHIGOVERA wanted to know in what spirit Denmark understood its action against racial discrimination, since paragraphs 30 to 33 gave the impression that the legislation in that respect had little effect and that in the area of employment, for instance, discrimination was still rife. He wanted to know what penalties, if any, were provided by law in the event of infringements of anti-racist legislation, since the severity of such penalties was one indication of how far society was prepared to tolerate racial discrimination.

57. Mr. SHERIFIS wanted to know whether any of the foreigners mentioned in paragraph 15 of the previous report (CERD/C/280/Add.1) who had obtained Danish

nationality but were not of Nordic or Danish extraction had been given prominent positions. Referring to the "green-jackets" affair mentioned in the two previous reports, with regard to which the European Convention on Human Rights had been invoked, he would like to know how that Convention and the International Convention on the Elimination of All Forms of Racial Discrimination were related in Danish law. He added that in his view the fact that the Danish courts had convicted a journalist who appeared in favour of racist ideas should be considered praiseworthy.

58. A great deal and perhaps too much was expected of Denmark, which was all to the credit of that country, but also a little unfair. Denmark was to be congratulated for having sent in its report on time and even before the required date, for having made the declaration stipulated in article 14 and for having come out in favour of the amendment of article 8, paragraph 6.

The meeting rose at 6 p.m.